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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,930	05/08/2006	Li Sun	CN03 0051 US1	9951
24738 7590 08/03/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS PO BOX 3001 BRIARCLIFF MANOR, NY 10510-8001				
EXAMINER				
HAILU, KIBROM T				
ART UNIT		PAPER NUMBER		
2461				
MAIL DATE		DELIVERY MODE		
08/03/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/578,930

Applicant(s)

SUN ET AL.

Examiner

KIBROM T. HAILU

Art Unit

2461

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Huy D Vu/
Supervisory Patent Examiner, Art Unit 2461

/Kibrom T Hailu/
Examiner, Art Unit 2461

Continuation of 11, does NOT place the application in condition for allowance because: First of all, the Examiner broadly interprets the phrases or terms, "redundant code group information" and "code group usage information of a cell" as they are not clearly defined in the specification. Therefore, the Examiner interprets the first argued limitation as determining any codes of information out of a group of codes of a cell and its adjacent cells in which the two equipments are establishing a communication so long as the codes of information are repeatable or repeatedly (redundantly) used, and Zeida discloses the same. Zeida discloses corresponding code matrices, which in this case redundant code group information, used by a particular cell. As indicated in paragraph [0017], each cell has its own specific scrambling codes that differentiates it from other cells, which means the code metrics are determined from these specific codes of the particular cell. As per the argument of selecting codes from the redundant code, Zeida discloses selecting codes out of the codes that correspond to codes within the particular cell or codes used by the other adjacent cells. The Examiner also respectfully disagrees with the Applicants' argument that Zeira doesn't disclose sending the code usage information to the network system. First of all, the Applicants claim a network system (not a particular device), therefore can be any network. For example, in paragraph [0015], the wireless devices communicate with a base station and receive a desired downlink communication from the base station. As clearly described throughout the reference, codes that are differentiated by a given cell and its adjacent cells are specifically determined and specific scrambling codes are selected thereafter for communication (see paragraph [0017]; [0030]), and these are communicated with the other wireless devices including with the base station, thus sending to the network system. In the specification, the Inventors indicate that the communication between the two devices is a direct communication without any exchange with the network or base station for that matter. Yet, the Applicants claim sending the code information to the network system, which is a clear contradiction with the main object that the Applicants want to solve.